



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,170	05/04/2001	Lyndsay Williams	2730	9681

7590 07/15/2003

Albert S. Michalik
Law Offices
704 - 228th Avenue NE
Suite 193
Sammamish, WA 98074

EXAMINER

NGUYEN, JENNIFER T

ART UNIT

PAPER NUMBER

2674

DATE MAILED: 07/15/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

PJ

Office Action Summary

Application No.

09/849,170

Applicant(s)

WILLIAMS ET AL.

Examiner

Jennifer T Nguyen

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/04/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 12-17, 21 and 22 is/are rejected.
- 7) ☒ Claim(s) 9-11 and 18-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is responsive to Amendment filed on 04/23/2003.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8, 12-17, and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Connor et al. (U.S. Patent No. 6,188,392).

Regarding claim 1, referring to Figs. 1 and 2, O'Connor teaches a computer system, comprising: a writing instrument (100) that generates movement information including acceleration information from a user's handwriting; and a conversion component (130) that utilizes the acceleration information to generate line thickness information (see abstract, col. 5, lines 13-67, col. 6, lines 1-22).

Regarding claim 2, O'Connor teaches the writing instrument (100) is a pen (col. 3, lines 50-51).

Regarding claim 3, O'Connor teaches the writing instrument (100) comprises an accelerometer (112, 113) configured to generate the acceleration information (col. 5, lines 13-28).

Regarding claim 4, O'Connor teaches the accelerometer (112, 113) generates analog movement information, and wherein the writing instrument comprises an analog-to-digital

Art Unit: 2674

converter (116) for converting the analog movement information to digital data (col. 5, lines 29-45).

Regarding claims 5 and 14, O'Connor teaches the conversion component (130) is located remote from the writing instrument (100), and further comprising transmitting the digital data to the conversion component (col. 5, lines 46-56).

Regarding claims 6 and 15, O'Connor teaches the digital data is transmitted via a wireless connection (col. 6, lines 3-22).

Regarding claims 7 and 16, O'Connor teaches the digital data is transmitted via a hardwired connection (col. 6, lines 23-39).

Regarding claims 8 and 17, O'Connor teaches the accelerometer (112, 113) is configured to generate tilt information (col. 4, lines 26-40).

Regarding claims 12 and 21, O'Connor teaches the conversion component (130) generates thickness information based upon wavelengths of the movement information (col. 6, lines 9-22).

Regarding claims 13 and 22, O'Connor teaches the thickness information increases a thickness component as the wavelengths increase (col. 6, lines 9-22).

4. Claims 9-11 and 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Brooks (U.S. Patent No. 5,434,371) teaches hand-held electronic writing tool.

Art Unit: 2674

Sato et al. (U.S. Patent No. 6,084,577) teaches pen shaped handwriting input apparatus using accelerometers.

Schiller et al. (U.S. Patent No. 6,577,299) teaches electronic portable pen apparatus and method.

Sato et al. (U.S. Patent No. 4,513,437) teaches data input pen for signature verification.

O'Donnell, Jr. (U.S. Patent No. 6,573,887) teaches combined writing instrument and digital documenter.

Epperson (U.S. Patent No. 5,247,137) teaches input device and marking instrument.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jennifer T. Nguyen** whose telephone number is **703-305-3225**. The examiner can normally be reached on Mon-Fri from 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reach at **703-305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to: 703-872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, sixth-floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding

Art Unit: 2674

should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703-306-0377.

Jennifer T. Nguyen
Patent examiner
Art Unit 2674



RICHARD MUERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600